

CITY OF MUSKEGON  
MUSKEGON HOUSING BOARD OF APPEALS  
MEETING MINUTES  
11/03/05  
5:30PM

ATTENDANCE: Randy Mackie, Greg Borgman, Nick Kroes, Jon Rolewicz, Ed Simmons, John Warner

ABSENT:

EXCUSED: Clara Shepherd

STAFF: Henry Faltinowski, Carmen Smith, Don LaBrenz, Jim Hoppus, Ken Murar, Mark Kincaid, and Major Metcalf

GUESTS: Amanda Mason (244 Monroe), Brian Foster (244 Monroe), Karen Gokey (1919 Terrace), George Gokey (1919 Terrace), Brent Foltyniewicz (1532 Terrace), Raymond Hill (257 Monroe), Kelvin Cunningham (571 W. Clay), Millye Battle (250 Strong)  
Students from Muskegon High School

Meeting minutes: A motion was made by John Warner and seconded by Jon Rolewicz to approve the October minutes.

A roll call vote was taken:

AYES:  
Greg Borgman  
Randy Mackie  
Jon Rolewicz  
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Clara Shepherd

Ed Simmons  
John Warner

Motion carried.

Mark Kincaid stated 1211 Third was not put on agenda because owner contacted Inspection Department and has a contractor, which scheduled inspections they are working on giving us a timeline so progress is being made.

### **DANGEROUS BUILDING REVIEW CASES:**

#### **EN-050109 – 1919 Terrace – Karen/George Gokey, 400 Houston, Muskegon, MI 49441**

Karen Gokey and son George Gokey was present to represent case.

George Gokey stated he still has to pull permits and is getting estimates and cost of materials. He said they hired a contractor to repair the roof on main part of house and plans are to start Monday. They plan to demolish the garage. He estimates it will take him six months to complete repairs. Mark Kincaid stated an interior inspection was conducted 10/27/05.

Staff Recommendation: Table until December 2005 provided timeline and permits issued and will hold until January 2006 if monthly progress inspections are scheduled.

A motion was made by Randy Mackie and seconded by John Warner to accept staff recommendation.

A roll call vote was taken:

**AYES:**

Greg Borgman  
Randy Mackie  
Jon Rolewicz  
Nick Kroes

**NAYES:**

**EXCUSED:**

**ABSENT:**

Clara Shepherd

Ed Simmons  
John Warner

Motion carried.

#### **EN-040042- 571 W. Clay – Kelvin Cunningham, 571 W., Muskegon, MI 49440**

Kelvin Cunningham was present to represent case.

Mr. Cunningham stated he was not happy to be here and the fact that his house was on the dangerous building list was appalling to him because he's lived in the home all his life and is part of the third generation of his family that has lived in the house. He

said he thinks why it came to the attention of the inspectors was due to a bow in the foundation and he asked to get on the dangerous building list if it was an external reason that would attract the inspectors because they had not been inside. He stated there was also a shed roof on a rear porch that was failing. Mr. Cunningham said he proved that the foundation was not failing, he said Henry Faltinowski had come out and looked at foundation and said Mr. Faltinowski said it was ok when he discovered that there was a wall built inside that would support it and Mr. Cunningham felt he should have been taken off the list. He mentioned the rear roof had been replaced and because of these two items now he has submitted to interior inspection and the third item on interior inspection is to rewire home. He feels that since he is living in house, not renting and not planning to sell that the electrical is not failing mentioning it's an old house that's it's not dangerous. He stated the service was upgraded and approved because there was an old fuse box but he's still bothered about being on the list when initial things on list do not prove to be dangerous. The other item mentioned was a dilapidated roof which he said has been replaced but the inspection revealed he has to add four more rafters to that roof and he said that Kevin Johnson, with Muskegon Construction who helped him with roof is perplexed as to why he has to add four more rafters and showed him Michigan residential code but said if that's what he has to do he's willing but he doesn't consider his home dangerous where he and his kids have been living for years and if dangerous he would want to take care of it himself for their safety. Greg Borgman said the board nor Mr. Cunningham were qualified to determine whether the home was dangerous but he would rather concerns come to the attention of board before something happens to his family than after the fact. Greg Borgman showed concern about pictures showing wiring exposed in basement. Mark Kincaid stated Mr. Cunningham has made much progress and has gone from 11 items on list in March of 2004 to only 3 items left from a inspection conducted 11/01/05. There are some concerns about electrical service and the adding of structural rafters. Mark Kincaid stated also they were investigating avenues to acquire help through Community Neighborhood Services. Nick Kroes reassured Mr. Cunningham that the board really appreciated his hard work on the home and this was not selective enforcement but the board intent is to address housing blight throughout the City of Muskegon and most cases coming before board no representatives show up and that makes City looks bad. Greg Borgman praised the tenacity of inspectors has brought fire rate down and don't want to see him being a statistic and suggested he address the wiring issues which pose a potential danger.

Staff Recommendation: Table until January 2006 with owner to provide timeline to complete repairs and pull necessary permits.

A motion was made by Randy Mackie and seconded by Jon Rolewicz to accept staff recommendation.

A roll call vote was taken:

AYES:

Greg Borgman  
Randy Mackie  
Jon Rolewicz  
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Clara Shepherd

Ed Simmons  
John Warner

Motion carried.

**DANGEROUS BUILDING NEW CASES:**

**EN-050112 – 244 Monroe – Amanda Mason/Brian & Gretchen Foster, 244 Monroe, Muskegon, MI 49441**

Ms Amanda Mason and land contract holder Brian Foster were present to represent case.

Ms Mason said she had contacted Caap who is going to weatherize the home and submitted letter of intent to Inspections. Ms. Mason also indicated because of lead findings that the Health Department agreed when taxes were paid they would paint or reside the home and she said FIA was also going to help with roof. Nick Kroes asked how long it would take. Ms Mason said they were waiting on contractors to pickup the file but hoped it would be before winter.

Staff Recommendation: Table until January 2006 meeting.

Motion made by Randy Mackie and seconded by John Warner to accept staff recommendation.

A roll call vote was taken:

AYES:

Greg Borgman  
Randy Mackie  
Jon Rolewicz  
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Clara Shepherd

Ed Simmons  
John Warner

Motion carried.

**EN-050101 – 250 Strong – Millye Battle, 250 Strong, Muskegon, MI 49441**

Millye Battle was present to represent case.

Ms. Battle said she tried calling the Inspection office but was directed to someone but forgot name. She said she had hired a contractor and had paid money but they didn't prove to be any good. She has contacted a few financial institutions to acquire a homeowner's loan to complete repairs so she can move back into the home. She hopes to close on loan next week. She plans to take care of repairs as soon as possible. She asked if she would have to get another permit since the first had expired. She also asked for copy of interior inspection. Nick Kroes asked how long it would take to complete repairs and stated board would like to have a timeline. Nick Kroes urged Ms. Battle to get a contractor soon and show progress.

Staff Recommendation: Declare the building substandard, a public nuisance, and dangerous building with delay sending to City Commission if progress is being made.

Motion approved by Randy Mackie and seconded by Jon Rolewicz to accept staff recommendation.

A roll call vote was taken:

AYES:

Greg Borgman  
Randy Mackie  
Jon Rolewicz  
Nick Kroes

NAYES:

EXCUSED:

ABSENT:

Clara Shepherd

Ed Simmons  
John Warner

Motion carried.

**EN040056- 257 Monroe – Raymond Hill, 8315 Apple Ave., Ravenna, MI 49451**

Raymond Hill was present to represent case.

Mr. Hill said he was an independent contractor for FedEx and was having problem with time for work and completing repairs. He stated he has done quite a bit of work there are no broken windows, no boarded doors, it's been painted and the electrical has been upgraded but he hasn't had final inspection on electrical yet. Greg Borgman mentioned he gets a lot of neighbor complaints regarding homes on that street and they would like to see progress. Mr. Hill said he now has funds to complete and said he could complete repairs by February 2006. Greg Borgman asked what are the plans for the house. Mr. Hill says he plans to rent or sell. Mark Kincaid stated that permits have expired but could be renewed but staff would like to have timeline to address individual items on list. Nick Kroes asked how structure was looking. Mark Kincaid showed updated pictures and stated that structure has been painted and looks good from the outside.

Staff Recommendation: Table until February 2006 meeting to allow owner time to renew permits and provide a timeline for repairs.

A motion was made by Randy Mackie and seconded by John Warner to accept staff recommendation.

A roll call vote was taken:

**AYES:**

Greg Borgman  
Randy Mackie  
Jon Rolewicz  
Nick Kroes

**NAYES:**

**EXCUSED:**

**ABSENT:**

Clara Shepherd

Ed Simmons  
John Warner

Motion carried.

**EN-050113- 472 W. Muskegon – Charles Starr II – 1230 Linden St., Muskegon, MI 49445**

No one was present to represent case.

Mark Kincaid stated there had been no contact with owner.

Recommendation: Declare the building substandard, a public nuisance, and dangerous building.

Motion made by Jon Rolewicz and seconded by Randy Mackie to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Randy Mackie			
Jon Rolewicz			
Nick Kroes			
		Clara Shepherd	
Ed Simmons			
John Warner			

Motion carried.

**EN-050111- 1532 Terrace– Brent/Darline Foltyniewicz, 897 Cheboygan Dr., N. Muskegon, MI 49445**

Brent Foltyniewicz was present to represent case.

Mr. Foltyniewicz stated his 30 days had expired from the date the notice & order was sent before his money came in. He states he needed to finish by December 31<sup>st</sup> because of financing but had to stop work earlier because of going thru a divorce. Tenants have been evicted. Home has been vacant downstairs for 3 months and upstairs for 1-½ months.

Staff Recommendation: Declare the building substandard, a public nuisance, and dangerous building with a delay until January 2006 before sending to City Commission.

Motion made by Nick Kroes and seconded by Randy Mackie to accept staff recommendation.

A roll call vote was taken:

<u>AYES:</u>	<u>NAYES:</u>	<u>EXCUSED:</u>	<u>ABSENT:</u>
Greg Borgman			
Randy Mackie			
Jon Rolewicz			

Nick Kroes

Clara Shepherd

Ed Simmons

John Warner

Motion carried.

OLD BUSINESS:

Greg Borgman asked about 1211 Third Street. Don LaBrenz said structurally it's in good shape, contractor came in and it was recommended he schedule an inspection first before pulling permits, owner plans to move back to area and live there. Nick Kroes asked about 497 Catawba. Staff stated case will be brought back before board in December. Don LaBrenz reported that 1194 Sixth was demolished. Ed Simmons asked about 1538 Hudson and Mark Kincaid stated the City Commission tabled and it hasn't been brought back to them yet. Greg Borgman asked about 1063 First Street. Don LaBrenz reported owner is still working on it. Greg Borgman asked about home on Sanford the roof appears to be leaking and has a big "for rent" sign. Nick Kroes asked about 227 W. Southern and staff reported that the Commission concurred with a delay of 60 days before it's bid out for demolition.

NEW BUSINESS:

**ADJOURNMENT: 6:30 P.M.**

CITY OF MUSKEGON

**AMERICAN DISABILITY ACT POLICY FOR ACCESS TO OPEN MEETINGS OF  
THE CITY COMMISSION AND ANY OF ITS COMMITTEES OR SUBCOMMITTEES.**

The City of Muskegon will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, upon twenty-four hours notice to the City of Muskegon. Individuals with disabilities requiring auxiliary aids or services should contact the City of Muskegon by writing or calling the following.



Gail Kunding, City Clerk  
933 Terrace Street  
Muskegon, MI 49443  
(616) 724-6705 or TDD (616) 724-6773